

ENTERED

March 28, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

ALEJANDRO BAHENA,

VS.

PHILLIP DE LA FUENTE *et al.*§
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§

CIVIL ACTION NO. 7:16-mc-611

ORDER ADOPTING REPORT AND RECOMMENDATION

Pending before the Court is Plaintiff Alejandro Bahena's civil rights miscellaneous action pursuant to 42 U.S.C. § 1983, which had been referred to the Magistrate Court for a report and recommendation. On January 4, 2021, the Magistrate Court issued the Report and Recommendation, recommending that this action be dismissed for want of prosecution. The time for filing objections has passed and no objections have been filed.

Pursuant to Federal Rule of Civil Procedure 72(b), the Court has reviewed the Report and Recommendation for clear error.¹ Finding no clear error, the Court adopts the Report and Recommendation in its entirety. Accordingly, it is hereby ORDERED that Plaintiff's § 1983 civil rights miscellaneous action is **DISMISSED**.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 28th day of March 2023.



Micaela Alvarez
United States District Judge

¹ As noted by the Fifth Circuit, "[t]he advisory committee's note to Rule 72(b) states that, '[w]hen no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.'" Douglas v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1420 (5th Cir. 1996) (quoting FED. R. CIV. P. 72(b) advisory committee's note (1983)) *superceded by statute on other grounds* by 28 U.S.C. § 636(b)(1), *as stated in* ACS Recovery Servs., Inc. v. Griffin, No. 11-40446, 2012 WL 1071216, at *7 n.5 (5th Cir. Apr. 2, 2012).